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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/422,107	10/20/1999	RANDALL S MARSHALL		5105

7590 01/24/2003

RANDALL S MARSHALL  
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WASHINGTON, DC 20019

EXAMINER

ART UNIT	PAPER NUMBER

DATE MAILED: 01/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/17/02 has been entered.

### *Claims Improper*

2. The reply filed on 1/17/02 includes new claims 1-23, however, the reply filed on 1/17/02 does not clearly state how the Applicant wants to treat original claims 1-9 in the amendment filed 10/17/01. Does the Applicant want original claims 1-9 canceled, and have the new claims 1-23 replace the original claims? Or does the Applicant want to keep original claims 1-9 and also include the new claims 1-23.

If the Applicant wants original claims 1-9 canceled, the Applicant must provide a new amendment which must include a statement "Please cancel original claims 1-9". The new amendment must also include the new claims which **must be renumbered as ~~claims~~ new claims 13-35** and must also include a statement "Please enter new claims 13-35".

If the Applicant wants to keep original claims 1-9 (as amended in reply filed 10/17/01), and simply add the new claims, the Applicant must provide a new amendment having the new claims properly renumbered as new claims 13-35, and must provide a statement "Please enter new claims 13-35".

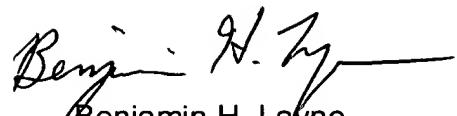
***Fee Required For Additional Independent Claims***

3. The reply filed on 1/17/02 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The new claims 1-23 have eleven independent claims, claims 1-11. Additional independent claims over four claims requires an additional fee of \$42 per independent claim. The reply filed on 1/17/02 has seven additional independent claims that require an additional fee. An additional fee of \$294.00 (\$42 X 7) is required. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin H. Layno whose telephone number is (703) 308-1815. The examiner can normally be reached on Monday-Friday, 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell can be reached on (703) 308-2126. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



Benjamin H. Layno  
Primary Examiner  
Art Unit 3711

bhl

January 15, 2003